

Plaintiff

Jose Roman, Sr

-Civil Action No.

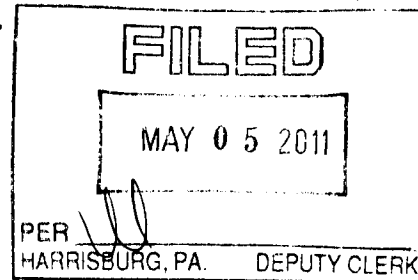
1: CV-10-1259

Vs.

Defendant

Frederick w. Fuhrman, Post No 23,
Veterans of Foreign Wars of the United States,
Inc., John Does 1-10;
Lebanon City/County Teener League

May 1, 2011



To whom it may concern,

Answer to complaint

And now, to wit this 1st day of May 2011 comes the Defendant, Lebanon City/County Teener League, by Fredrick Gonzales, President, and answers to the above complaint as follows:

1.-5. Preliminary Statement and Jurisdiction and Venue No answer required.

III. Parties

6. No address is given

7.-9. No answer is required.

10. Denied in part. The Baseball League is made up teams of 13,4,15 year old boys and league is not owned by defendants.

11. Admitted.

12. Exh A is not a list of rules of this association but rather an addenda to Discuss and approve these rule by Lebanon County Umpires Association.

13. Rule number six is Not a Rule.

14. The Sheet was handed out to in attendances.

15. Denied there was no private meeting or discrimination against team or coaches.

16. Denied. We encourage all races to participate.

17. Denied. In fact Plaintiff accepted the rule and voted. See Exh. A. Letter H. All teams were in favor 5-0.

18. Denied

19. No Answer required.

20. Plaintiff was not fired. Coaching is a volunteer position, not paid. His services were no longer needed.

21. Plaintiff was a volunteer and was not needed anymore. Again we encourage all Races and languages.

22. 23. Denied. Defendant did not make say any remarks about plaintiff stealing.

24. No answer required.

Count 1

25. 26. No answer required.

27. Denied. Plaintiff was not prohibited to speak his primary language-Spanish and was not terminated for his complaint about the "No Spanish" Rule.

28. Denied. Plaintiff was not discriminated against in fact we encourage all races, nationalities, and no one is excluded. Many of the other teams have a variety of races and speak other languages.

29. Denied. Plaintiff was not treated differently. We encourage Spanish Speaking coaches. We have many Spanish speaking Boys and coaches. Defendants do not discriminate but rather encourage all races and nationalities. All coaches are treated equal no matter what their beliefs, ethnicity, and language.

Count II

30. No answer required.

31. Denied. Defendants did not conspire to terminate or vote to enact and enforce the "No Spanish" rule. There is no Spanish rule by this Association.

32. Denied. There was no Private Meeting held prior to the League Meeting. The "No Spanish" Rule was not discussed or agreed upon by the Defendants until all members were present.

33. Denied. Defendants do not conspire to deprive Hispanics but rather encourages free speech, equal rights to all races, ethnicity and languages. In Fact we encourage all nationalities, cultures and diversity.

34. No answer is required.

Enclosed is Exhibit A: Minutes from meeting on February 5, 2009

Exhibit B: A Lebanon city/ county VFW teenier League By-Laws

Exhibit C: Teener Umpire Fees and Rules

EXHIBIT A

Lebanon City County Teener Baseball League

February 5, 2009

Present – Shay's, VFW Post 23, Buzgon –Davis, Ebenezer, Lebanon Cardinals

New business –

- a. Minutes approved from the August 21, 2008 meeting.
- b. The officers for 2009 were voted on and installed as follows:

President – Fred Gonzales
Vice President – Rodney Truax
Secretary – Joel Umberger
Treasurer – Rich Meily
- c. Sign-ups for the upcoming season will be held on March 7, 2009 from 10-11am at the teams respective sites. An add will be placed in the Lebanon Daily News Sports Section.
- d. Fred Gonzales handed out a sheet from the umpires that need to be adhered to by all coaches and players or they will not umpire our games for the 2009 season. Further discussion will be tabled until the umpires meet with everyone later in the meeting.
- e. The following are the list of dates for the tournaments this year.

June 13-14 th	Father's Day Weekend 13yr olds
July 17-19 th	13-14 Year Old Area
July 24-26 th	15 Year Old Area
July 31- Aug 2 nd	13-14 Year Old State
Aug 7-9 th	15 Year Old State

Locations for the state tournaments will be finalized in the coming months.
- f. Fred Gonzales has phone numbers of coaches to call for practice games and he will bring this list to the next meeting.
- g. A background check will be conducted on all coaches in our league with a \$10 fee being assessed to that coach. A motion made by Scott Hargett to accept this proposal and seconded by Joel Umberger. All in favor 5-0 vote.

- h. The umpires met with the league for approximately 30 minutes to go over the rules that the umpires would like to see implemented for the coming season. There was much discussion concerning the rule of any language except English being spoken on the baseball field in order for the umpires to maintain control of the games. There were some incidents last year where players were using inappropriate language and sayings to other players from other teams and the umpires did not know what was going on. This only applies to "On the field during games" not in the dugouts or at your practices, etc. A motion was made to accept the umpire rules as written in this Letter H and ask the umpires to return to our league this year. This was accepted 5-0 by all teams in favor. Umpires also voted unanimously to come back for 2 more years under a new contract. The contract is under one condition of if the rules are not followed the contract will be null and void for year 2.
- i. There will be an Umpires Golf Tournament again this year on May 2nd, 2009. More details of the tournament will follow in the coming months.
- j. The schedule is up on the umpires website www.leaguelineup.com/lcumpires. If there are any changes please contact Lou Zeck as soon as possible.
- k. The new rules and umpire fees are attached to these minutes.
- l. Call will be placed to Schuylkill Valley Sports to order baseballs. Same number as last year.
- j. Next General Meeting will be March 5, 2009 @7:30p.m.

Addendum 2-26-09: Recision of the motion to accept ALL the umpires rules Letter H in Minutes dated 2-5-09 was voted on by all head coaches of the league on 2-26-09. With a new motion by Joel Umberger and seconded by Fred Gonzales to accept the umpires rules with the EXCEPTION of the rule in which no Spanish speaking will be allowed on the field during games. This motion was accepted 6-0 by the league. There also was a motion by Joel Umberger and seconded by Fred Gonzales to accept Jose Lopez as the new head coach of Shay's Vending. This motion was accepted 6-0 by the league.

EXHIBIT B

March 6, 2008

Lebanon City County VFW Teener League By-Laws

1. **Officers** – The League will comprise of a President, Vice President, Secretary, and Treasurer, and a Commissioner, if one is available.
2. **Quorum** – For a meeting to be official, four of the seven teams from the league must be present.
3. **Voting** – Each team has one vote. In the case of a tie or deadlock on a motion, the President will break the tie.
4. **Meeting** – The League will hold meetings on the first Thursday of each month at a specified time and location agreeable to the teams, beginning in February and ending in September of each year. Special meetings may be called at any time.
5. **Fines** – A \$5 fine will be assessed against any team not present or represented at the meeting. Payment of this fine will be made at the next meeting.
6. **Insurance** – Each team must carry insurance purchased through the League in order for each team to have the same insurance coverage.
7. **Equipment** – Equipment must conform to V.F.W. Teener League specifications.
 - a. All teams must have batting helmets with ear pieces.
 - b. Catchers are required to wear a catcher's helmet. The warm-up catcher must wear a mask.
 - c. Baseballs must be brand name baseballs such as (Wilson, Spalding, McGregor) and must be purchased through the League. Each game will be started with 2 new baseballs.
 - d. Bats (-3 & -5 only) and Uniforms must conform to V.F.W. Teener League specifications.
8. **Eligibility** – The following areas are covered by the League's regular charter. City of Lebanon, West Lebanon Township, North Lebanon Township, Myerstown Borough, Jackson Township, ELCO, Northern Lebanon and Conrad Weiser School Districts. Players living in these areas are eligible to play for any team in the league. Player must be 13 before May 1st and cannot be 16 on or before April 30th. Sign-up forms must be signed by player and parent/guardian committing to their eligibility with that team. Any player found to be living outside League boundaries without a written release will be immediately removed from the League. Sign-ups and tryouts will be conducted at a date agreed upon by the League.

9. **Player Releases** – A player from outside League boundaries must have a written release from the head coach of the Lebanon Valley League in whose boundary he resides along with the Lebanon Valley League President approval. Releases from within the league must be granted by the team's head coach and final approval given by the League President.
10. **Team Release** – If a player is rostered player from the previous season, he or she must be cut or receive a release to try out for another team. Without being cut or released, he or she must sit out one complete season before he or she may try out for another team.
Example: A 14 year old asks for a release and it is granted. He or she may try out immediately for any team.
Example 2: A 14 year old asks for a release and it is denied. He or she must sit out this season and at age 15 he may try out for any team.
11. **Coaching** – Any new head coach must be screened and approved by the League officers. Any coach must have started his or her third year of service with the same team in order for that team to have the rights on any of his or her sons or daughters. If the coach or player should move, the player and coach have the right to play the rest of their eligibility with the team they started with or the team in the area which they reside. Players must reside with their parents or legal guardian (legal school address) within the boundary of the team he or she is rostered on.
12. **Number of players** – Each team may carry a maximum of 18 players with the following age breakdown:
 - a. 15 year olds – maximum of 8
 - b. 14 year olds – no maximum or minimum
 - c. 13 year olds – minimum of 5. For each player under this minimum, a team must keep open an equal number of roster spots.
13. **Recruiting** – Recruiting is allowed. It is hoped that the coaches will use their own discretion when trying to recruit players for their respective team. Recruiting of players already on teams within the League is strictly prohibited.
14. **Birth Certificates** – All birth certificates must be given to the League secretary before the player can participate in any game with his or her team. Any player not supplying a birth certificate to the League Secretary is not eligible to play.
15. **Roster Fee** – Each player rostered must pay \$10. Due to League Treasurer when rosters are handed in before the start of the season.
16. **Rosters** – One roster must be given to the League Secretary and each team before the start of the season.

17. **Benches** – Players, Coaches, Scorekeepers and Bat Boys will be the only people allowed to sit on the benches during League games.
18. **Umpires** – Each home team is responsible to pay the umpires and the League will pay the coordinator's fee. The umpires' fee schedule is set each year.
19. **Player/ Coach Conduct** – Any player or coach ejected from a game must sit out the following game. If second offense the person must sit out 3 games. If third offense the person is ejected from the league. There will be no warnings to players or coaches; it is up to the umpires' discretion to eject a player. Good Sportsmanship must be shown at all times.
20. **Games** – A round of games will be played with the Lebanon Valley Teener League. The games will count in League standings. Rules in the V.F.W. Teener Handbook will be followed for these games. No regularly scheduled game can be cancelled unless there is a mutual agreement of both teams. The umpiring coordinator must be informed as well for any changes. There is a 10 run rule after the game is official (5 innings). The Extra Hitter (EH) can be used, no Designated Hitter (DH) allowed.
21. **Protesting Games** – If protesting a game, the team protesting must put it in writing and then deliver it to a League official within 24 hours. A team must pay \$25 to file a protest. If the team filing the protest wins its argument, the money is returned. The umpire must sign both scorebooks at the time of the protest, before the next pitch is thrown. Whatever the League Officers rule on a protest will be final.
22. **Inter-League Protests/Disputes** – Any protests or disputes during inter-league play will be turned over to a three-member panel, consisting of one member from each league and the head of the umpires. Currently that panel consists of the Secretary of the City-County League, the Treasurer of the Lebanon Valley League, and the Coordinator of the Umpires.
23. **Arbitration Board** – The arbitration board shall be comprised of three (3) neutral appointed people plus a League officer and an officer from the umpires association who shall jointly render decisions on all acts violating rules of conduct, that pertain to the operation of the League and the playing of the schedule.
24. **Arbitration Board Meetings** – The board of arbitration will meet as soon as possible after any incident, but under no circumstances shall it be later than 48 hours after receipt of reports. All reports must be submitted to the League Secretary within 24 hours of the incident. The board of arbitration shall have at least three (3) members present in order to convene and render a decision.

25. **Rescheduling of Rainouts** – Rainouts must be rescheduled as soon as possible with the 2 teams involved (no later than 10 days from the original date or forfeit by the home team.) and the umpiring coordinator.
26. **Ties/Rainouts/Darkness** – Any game not considered a legal game and not completed because of a tie score, inclement weather, or darkness must be picked up at the point it was left off and completed. A legal game is 5 or more completed innings. If the score is tie after 5 or more completed innings and the game is called, it must be replayed. Any game started and goes less than 5 innings it is \$10 each and \$2 per inning. When the game is finished at a later date it is \$25 and \$2 per inning. Any games going 1 or 2 innings replay the game, 3 or 4 innings finish the game.
27. **Box Scores** – It is the responsibility of the home team to call or email the scores to the Scoring Coordinator for input into the Lebanon Daily News. You must have the score emailed or called into the Scoring Coordinator the night of your game or a \$5 fee will be assessed to that team.
28. **Pitching Rules**
 - a. – One pitch constitutes a full inning
 - b. - A pitcher may pitch 12 innings a week, regardless of age.
 - c. - A pitcher may pitch nine (9) innings if the game is tied at the end of seven (7) innings, provided he was the starting pitcher.
 - d. - When a pitcher has pitched four (4) innings he must have 48 hours rest before he can pitch again. If a pitcher throws five (5) innings or more he must have 72 hours rest. Examples: (John throws 4 innings Monday; he is not eligible to pitch until Wednesday. John throws 5 or more innings Monday; he is not eligible to pitch until Thursday.)
 - e. The pitching week is from Monday to Sunday.
 - f. When a coach makes a second visit to the mound in an inning, the pitcher must be relieved.
29. **Re-Entry of Starting Player** – The League will follow the rules for re-entry of starting players set for the V.F.W. Handbook.
30. **Must Slide** – Any player must slide or attempt to avoid the tag at second, third or home. Any malicious or flagrant violation shall be cause for automatic ejection.
31. **Tie Breakers** – If there is a tie between teams for the League Championship there will be a one-game playoff to determine the League Champion. All other playoff systems are as follows 1) Head to Head, 2) better record against League opponents, 3) One game playoff.

32. **All-Star Coaches** – The All-Star coaches will work on a rotating system determined by the League with the Head Coaching position of one of the All-Star teams (their choice) going to the winning team that season. If the winning staff is next in the rotation then the 2nd place team staff coaches the remaining team. All ties revert back to the Tie Breaker By-Law.
33. **Trophies** – Trophies will be purchased by the League for the players & coaches of the Regular Season Champion. The playoff championship team will receive the William “Rip” Van Winkle trophy. For the All-Stars, trophies or medallions will be given each year to both teams.

EXHIBIT C

TEENER UMPIRE FEES & RULES

COMPLETE GAME- \$38 PLATE \$38 BASES

GAME SUSPENDED (1-4 INNINGS) \$10 EACH UMPIRE
AND \$2 AN INNING.

GAME FINISHED/LATER DATE- \$25 AN UMPIRE AND \$2
AN INNING.

GAMES EXCEEDING 5 INNINGS OR MORE (TIED) AND
CALLED WILL BE REPLAYED.

GAMES CALLED BEFORE THEY START AND UMPIRES
ARE THERE- \$10.

ANY GAME GOING 1 OR 2 INNINGS REPLAY GAME,
ANY GAME GOING MORE THEN 2 INNINGS AND LESS
THEN 5 INNINGS FINISH.

1 UMPIRE- \$52

ANY FORFITS – TEAM THAT FORFITS PAYS UMPIRES
FULL PRICE.

SUSPENDED GAMES MUST BE CALLED INTO LOU
IF NOT \$10 FINE AND NOT PAID BEFORE NEXT GAME
NO UMPIRES.

RAIN OUTS- MUST BE CALLED INTO LOU BY 5:15 PM,
IF NOT CALLED BY 6PM A \$10 FINE AND MUST BE
PAID BEFORE NEXT GAME OR NO UMPIRES.

THE EXTRA HITTER WILL BE USED NO DH!!

THE 10 RUN MERCY RULE WILL BE IN EFFECT AFTER
5 INNINGS 4 ½ IF HOME TEAM IS WINNING.

EJECTIONS PLAYERS OR COACHES:

1ST- 1 GAME SUSPENSION

2ND - 3 GAME SUSPENSION

3RD – EJECTION FROM LEAGUE.

ALL EJECTIONS WILL BE SERVED AT THE TEAMS
NEXT GAME.

RUN ON AND OFF THE FIELD:

1ST- PLAYERS WARNED BY THE UMPIRES

2ND- WARN BOTH PLAYERS AND COACHES

3RD – GAME CALLED AND TEAM WARNED
FORFITS.

PITCHING- VALLEY – STARTING PITCHER MAY
PITCH 7 INNINGS IN 1 GAME 9 IF TIED AFTER 7.
A PITCHER MAY NOT PITCH MORE THEN 12 INN.

A PITCHER MAY NOT PITCH MORE THEN 12 INN.
IN 1 WEEK AND THEIR WEEK IS TUESDAY THRU
MONDAY. A PITCHER THAT PITCHES 4 OR MORE
INNINGS IN A GAME MUST HAVE 48 HOURS REST
THAT IS GAME TIME TO GAME TIME. INCOMPLETE
GAMES COUNT ON PITCHERS INNINGS. 1 PITCH
THROWN COUNTS 1 INNING.

PITCHING – CITY STARTING PITCHER MAY PITCH
7 INNINGS IN 1 GAME AND 9 IF THE GAME IS TIED
AFTER 7. A PITCHER MAY PITCH 12 INNINGS IN 1
WEEK. AND THEIR WEEK IS MONDAY TO SUNDAY.
A PITCHER THAT PITCHES 4 OR MORE INNINGS IN
A GAME MUST HAVE 48 HOURS REST WHICH MEANS
GREG PITCHES 4 INNINGS ON MONDAY HE CAN NOT
PITCH AGAIN TILL WEDNESDAY. IF A PITCHER PITCHES
5 INNINGS HE MUST HAVE 72 HRS. REST. WHICH MEANS
IF GREG THROWS 5 MONDAY HE CAN NOT PITCH AGAIN
TILL THURSDAY. INCOMPLETE GAMES COUNT ON
PITCHERS INNINGS. 1 PITCH THROWN COUNTS 1 INNING.
ANY COACH MAKES 2 VISITS TO THE MOUND IN THE
INNING HE MUST TAKE THE PITCHER OUT OF THE GAME.
ALL RULES ARE MAJOR LEAGUE BASEBALL AND ANY
RULES YOU HAVE FROM YOUR BY-LAWS OR STATE BOOK
WHICH MUST BE GIVEN TO THE LEBANON COUNTY
UMPIRES SO THEY KNOW WHAT EXTRA RULES YOU
WILL BE USING.

LOU'S CONTACTS

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RECEIVED
HARRISBURG, PA

MAY 05 2011

MARY E. D'ANDREA, CLERK
Per [Signature]

clerk of court
P.O. BOX 983
Harrisburg PA. 17101

